

effective date must be determined by the appointing authority and must be based on the date on which the request should reasonably have been submitted. A retroactive adjustment must not exceed 6 months from the date on which the Department of Personnel receives the request.

4. An adjustment of steps which is made pursuant to subparagraph (1) of paragraph (a) of subsection 1 may be revoked when:
  - (a) The recruiting problem which caused the adjustment was due to the geographical location of the position; and
  - (b) The employee transfers to an area where a recruiting problem does not exist.

The employee must be placed at the step he would have received if he had not received the adjustment.

(Added to NAC by Dep't of Personnel, eff. 8-14-90; A 7-1-94; R197-99, 1-26-2000; R147-01, 1-22-2002; R015-02, 5-2-2002)

**NAC 284.206 Special adjustments to pay. (NRS 284.065, 284.155, 284.175)**

1. The Department of Personnel may approve a special adjustment to the pay of an employee pursuant to this section. A request for a special adjustment to pay may be initiated by an employee, the appointing authority or the Department of Personnel. A special adjustment to pay does not constitute a promotion.
2. An employee may receive a special adjustment to pay equivalent to 5 percent of the employee's base rate of pay during any period in which:
  - (a) The employee works out of his class on a continuing basis and performs essentially all the duties and responsibilities of a position classified at a higher grade. To receive the increase, the employee must be assigned duties and responsibilities of the higher grade which are clearly demonstrated in the class specification and carry out the duties and responsibilities for at least 16 consecutive workdays before the increase becomes effective. The adjustment to pay pursuant to this paragraph is effective retroactively, commencing on the date on which the employee assumed the additional duties and responsibilities. The adjustment to pay must not continue for more than 6 months in any 12-month period unless:
    - (1) The employee is underfilling a position pursuant to NAC 284.437 and recruitment has failed to produce a sufficient number of applicants on the appropriate list.
    - (2) The duties and responsibilities that the employee has been carrying out have been assumed from one or more positions that have not been authorized to be filled because of a hiring freeze or fiscal emergency. A hiring freeze or fiscal emergency must be certified by the Chief of the Budget Division of the Department of Administration or, in the case of an agency that does not receive money from the State General Fund or the University and Community College System of Nevada, certified by the administrator of that agency or the System.
    - (3) The appointing authority submits a written request to the Director of the Department of Personnel accompanied by documentation justifying an extension of the 6-month period and certifies that money is available to pay for the continuation of the special adjustment to pay. The Director may authorize the continuation of the special adjustment to pay after receiving the request and documentation and determining that

the extension of the 6-month period is a business necessity and in the best interest of the State.

- (b) The employee is required to use bilingual skills or sign language for the deaf at least 10 percent of his work time.
- (c) The employee is supervising other employees of the same or a higher grade if the supervision:
  - (1) Is not part of the supervision or management responsibilities for a program that is provided for in the class specification; and
  - (2) Includes, without limitation, selection, work assignment, training, work review, performance evaluation and discipline of employees.
- (d) The employee is required regularly to perform custodial work and clean up human bodily waste in a medical, clinical or inpatient facility.
- (e) Except as otherwise provided in this paragraph, the employee is conducting a formal training program for employees. The training program must:
  - (1) Be conducted weekly;
  - (2) Consist of training on the job and in the classroom or training only in the classroom;
  - (3) Include a test to determine the employees' progress in the program; and
  - (4) Result in the award of a certificate of completion or advancement in a class series to the journey level.

If an adjustment to pay is granted pursuant to this paragraph, the adjustment begins when the employee starts conducting the training program and ends when the training program is completed. An adjustment will not be granted if the duty to conduct training is clearly set forth in the class specification. Informal orientation given to new employees will not be considered for this special adjustment.

- (f) The employee, if employed as a law enforcement officer, is assigned to motorcycle duty.
- (g) The employee, if employed by the Department of Corrections, is responsible for the supervision of a group of inmates assigned to a work area of an institution and who is responsible for implementing security procedures, including, without limitation:
  - (1) Securing the work area from inmates who are not authorized to enter the work area;
  - (2) Accounting for all inmates who have been assigned to the work area; and
  - (3) Accounting for all materials, tools and equipment in the work area.

The adjustment to pay pursuant to this paragraph will be granted only if such duties are not provided for in the class specification.

- (h) The employee is authorized by the Legislature to receive such an adjustment to his pay.
3. An employee may receive a special adjustment to pay if he occupies a position in which the duties have been recognized through the classification process as being at a higher level, but who does not meet the minimum qualifications for the class. The special adjustment to the employee's pay must be equivalent to 2.5 percent of the employee's base rate of pay if the employee performs duties classified one grade higher than his current position, or 5 percent of the employee's base rate of pay if the employee performs duties classified two or more grades higher than his current

- (b) Be open to all applicants who meet the reasonable standards or requirements fixed by the Director with regard to experience, character, age, education, physical condition and any other factors relating to the ability of the applicants to perform the duties of the position with reasonable efficiency...

4. An oral examination given pursuant to this section must be:

- (a) Except as otherwise provided in subsection 5, conducted by a panel of which no more than one-third of the members are employed by the department in which a vacancy exists for the position for which the examination is given.
- (b) Recorded and maintained by the department for:
  - (1) Not less than 2 years after the date of the examination; or
  - (2) Until the final disposition of a charge of discrimination,

whichever is longer, and must be available to an affected person upon request.

5. Employees of the department in which a vacancy exists may comprise more than one-third of the members of the panel if:

- (a) A member who is not such an employee is unable to serve on the panel because of illness or an emergency;
- (b) The department has more than 1,000 employees; and
- (c) The department has two or more divisions that administer separate and diverse programs and the employees of the department on the panel are not employed by the same division."

**NRS 284.215 states, "Examination of persons with disabilities.** A person with a disability must be examined in a manner that fairly tests his ability to perform the duties of the position, notwithstanding his disability."

**NRS 284.230 states, "Time and place of holding examination; use of public buildings.**

1. Examinations must be held at such times and places as in the judgment of the Director most nearly meet the convenience of applicants, practicability of administration, and the needs of the public service.
2. The officers having control of public buildings in political subdivisions of the state and in school districts, upon request of the Director, shall furnish convenient and reasonable space for examinations and necessary furniture, heat and light for the accommodation of the local examiners and for holding of examinations authorized by this chapter."

**NRS 284.235 states, "Designation of persons to assist in examinations.** The Director may designate appropriate persons, including officers and employees in the public service, to assist in the preparation and rating of examinations. An appointing authority may excuse any employee in his division from his regular duties for the time required for his work as an examiner. Those officers and employees are not entitled to extra pay for their services as examiners, but are entitled to their regular salaries."

**NAC 284.329 Competitive examinations: Use and administration. (NRS 284.065, 284.155, 284.205, 284.384)**

1. Except as otherwise provided in this chapter and in chapter 284 of NRS, an appointment to or within the classified service must be made through the use of competitive examinations.
2. Examinations may be:
  - (a) Structured or unstructured;
  - (b) Scored or unscored;
  - (c) Written or oral;
  - (d) In the form of a demonstration of skill or technical knowledge;
  - (e) An evaluation of training and experience; or
  - (f) Any combination of paragraphs (a) to (e), inclusive.
3. Examinations which measure an applicant's capacity, manual skill, and physical fitness, may be used if such capacity, skill or fitness is related to the job.
4. Examination materials, including questions and scratch paper, are the property of the Department of Personnel.
5. The administration of an examination may be modified for the purpose of more fairly testing the abilities of a qualified person with a disability if the modification does not alter the reliability and validity of the examination.
6. If a grievance is filed concerning an examination in accordance with NAC 284.658 to 284.6957, inclusive, the Director will not fill any vacancy from the list established by the examination unless the Director determines that there is an urgent and compelling need to fill that vacancy.

[Personnel Div., Rule IV part § A, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; 11-12-93; A by Personnel Comm'n by R183-03, 1-27-2004) — (Substituted in revision for NAC 284.298)

**NAC 284.333 Centers for assessment: Selection and training of assessors; administration of examinations. (NRS 284.065, 284.155, 284.205, 284.210)**

1. Assessors of a center for assessment must be selected:
  - (a) From at least two different departments; or
  - (b) From a combination of departments or other public or private employers.
2. Each assessor must be trained in the method of examination used by the center for assessment before he examines an applicant.
3. Oral, written and performance exercises administered by a center for assessment must:
  - (g) Be administered under standardized conditions;
  - (h) Be related to performance of the job;
  - (i) Be evaluated by more than one assessor; and
  - (j) Measure the skills, knowledge, and other attributes of a person which are important to his successful performance of the job.

(Added to NAC by Dep't of Personnel, eff. 11-12-93; A by Personnel Comm'n by R183-03, 1-27-2004) — (Substituted in revision for NAC 284.300)

## **ADJUSTMENT OF GRIEVANCES**

### **NRS 284.384 states, “Adjustment of certain grievances: Regulations; appeal to Employee-Management Committee; representation of employee**

1. The Commission shall adopt regulations which provide for the adjustment of grievances for which a hearing is not provided by NRS 284.165, 284.245, 284.3629, 284.376 or 284.390. Any grievance for which a hearing is not provided by NRS 284.165, 284.245, 284.3629, 284.376 or 284.390 is subject to adjustment pursuant to this section.
2. The regulations must provide procedures for:
  - (a) Consideration and adjustment of the grievance within the agency in which it arose.
  - (b) Submission to the Employee-Management Committee for a final decision if the employee is still dissatisfied with the resolution of the dispute.
3. The regulations must include provisions for:
  - (a) Submitting each proposed resolution of a dispute which has a fiscal effect to the Budget Division of the Department of Administration for a determination by that Division whether the resolution is feasible on the basis of its fiscal effects; and
  - (b) Making the resolution binding.
4. Any grievance which is subject to adjustment pursuant to this section may be appealed to the Employee-Management Committee for a final decision.
5. The employee may represent himself at any hearing regarding a grievance which is subject to adjustment pursuant to this section or be represented by an attorney or other person of the employee’s own choosing.
6. As used in this section, “grievance” means an act, omission or occurrence which an employee who has attained permanent status feels constitutes an injustice relating to any condition arising out of the relationship between an employer and an employee, including, but not limited to, compensation, working hours, working conditions, membership in an organization of employees or the interpretation of any law, regulation or disagreement.”

### **NRS 241.033 states in part, “Closed meeting to consider character, misconduct, competence or health of person: Written notice to person required; exception; copy of record.**

1. A public body shall not hold a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of any person unless it has given written notice to that person of the time and place of the meeting. Except as otherwise provided in subsection 2, the written notice must be:
  - (a) Delivered personally to that person at least 5 working days before the meeting; or
  - (b) Sent by certified mail to the last known address of that person at least 21 working days before the meeting.

A public body must receive proof of service of the notice required by this subsection before such a meeting may be held.”

**NAC 284.658 “Grievance” defined. (NRS 284.065, 284.155, 284.384)**

1. As used in NAC 284.341 and 284.658 to 284.697, inclusive, a “grievance” means an act, omission or occurrence which a permanent employee feels constitutes an injustice relating to any condition arising out of the relationship between an employer and an employee, including, but not limited to, compensation, working hours, working conditions, membership in an organization of employees or the interpretation of any law, regulation or disagreement. The act, omission or occurrence must be established with factual information including, but not limited to, the date, time and place of the act, omission or occurrence and the names of other persons involved.
2. For the purposes of NAC 284.341 and 284.658 to 284.697, inclusive, the term “grievance” does not include any grievance for which a hearing is provided by NRS 284.165, 284.376 or 284.390.

[Personnel Div., Rule XV part § A, eff. 8-11-73; A 6-9-74; 2-5-82]—(NAC A by Dep’t of Personnel, 8-28-85; 10-18-89; 8-1-91; 3-27-92; R082-00, 8-2-2000)

**NAC 284.662 Providing assistance to employee. (NRS 284.065, 284.155, 284.384)**

1. An employee filing for a review of a grievance may be assisted or represented by any person of his choosing, if the person agrees to act in this capacity, at any step of the procedure except the initial informal discussion with his immediate supervisor.
2. If the assistant is a state employee, he may only assist on his own time.
3. An employee may not be discriminated against in recruitment, examination, appointment, training, promotion, retention, classification, or any other personnel action for informally seeking or formally filing a request to have his grievance reviewed, testifying on behalf of another employee, helping another employee prepare a grievance report, or acting as a representative of any employee requesting a review of a grievance.
4. To assist in resolving an employee’s grievance, the resources and consultation available from the Department of Personnel and the personnel offices of the agency must be made available to all parties.

[Personnel Div., Rule XV part § A, eff. 8-11-73; A 6-9-74; 2-5-82]—(NAC A by Dep’t of Personnel, 10-26-84; A by Personnel Comm’n by R096-03, 10-30-2003)

**NAC 284.678 Statement of grievance: Contents; time to file. (NRS 284.065, 284.155, 284.384)**

1. Except as otherwise provided in subsection 3, an employee who feels aggrieved and wishes to file a formal grievance must submit his grievance in writing to his immediate supervisor on the official form, or in a letter if the official form is not available, within 20 working days after the date of the origin of the grievance or the date the employee learns of the problem. The parties should make every effort to resolve the grievance through informal discussions within these 20 working days.
2. If the employee submits a letter, it must include:
  - (a) His name;
  - (b) His most recent date of hire;
  - (c) His position;
  - (d) His department, division and section;
  - (e) His mailing address;
  - (f) His business telephone number;